



Switzerland

Country Reports on Human Rights Practices - [2002](#)

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Switzerland is a constitutional democracy with a federal structure. The bicameral Parliament elects the seven members of the "Federal Council" (Swiss cabinet), the highest executive body, whose presidency rotates annually. Because of the nation's linguistic and religious diversity, the political system emphasizes local and national political consensus and grants considerable autonomy to the 26 individual cantons. Voters approved a new Constitution in 1999 that came into force in 2000. The judiciary is independent.

The armed forces are a civilian-controlled militia based on universal military service for able-bodied males. There is virtually no standing army apart from training cadres and a few essential headquarters staff. Police duties are primarily a responsibility of the individual cantons, which have their own police forces that are under effective civilian control. The National Police Authority has a coordinating role and relies on the cantons for actual law enforcement. Police forces committed some human rights abuses.

Switzerland had a highly developed free enterprise, industrial, and service economy strongly dependent on international trade. The standard of living of the country's 7.3 million residents was very high.

The Government generally respected the human rights of its citizens; although there were some problems, the law and judiciary provide effective means of dealing with individual instances of abuse. Cantonal police were involved in at least three deaths during the year. Police occasionally used excessive force, particularly against foreigners. Violence against women continued to be a problem, although the Government took steps to address it. Some laws continued to discriminate against women. There continued to be reports of discrimination against foreigners. Trafficking in women for prostitution increased. Switzerland was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings committed by the Government or its agents.

During the year, Swiss police were involved in the accidental death of one elderly person. On April 18, Zurich police ran over Gotthilf Hunziker, 72-years-old, while maneuvering a car in a car park. The victim died three weeks later in a hospital. According to the Zurich City police, the investigation was still pending at year's end.

On October 4, a Zurich police officer shot and killed an armed thief who had just robbed a local post office. The police officer involved in the shooting stated that he had to shoot because the thief was pointing his weapon at him. Police investigators believe the victim, a 42-year-old Swiss, had already robbed the same post office a few weeks prior to this incident. The investigation was still pending at year's end.

On November 26, a Zurich court dropped its criminal charges against two policemen who were involved in the death of a 32-year-old Yugoslav car thief. Both policemen fired a shot at the car after the man tried to run them over. The court stated that both police officers had the right to use their weapon because their lives were put at

great risk.

The U.N. Human Rights Committee cited instances of degrading treatment in a November 2001 report, and the excessive use of force during the expulsion of aliens, resulting in deaths on some occasions. In July 2001, Bern police were videotaped using excessive force to subdue Cemal Gomec, a Turkish immigrant with mental problems who was threatening persons who approached him in his apartment with a knife. He died in a hospital 4 days after being subdued. The Bern forensic institute found that his death from cardiac arrest was not the sole result of the beating by police officers but rather a combination of stress, chronic heart disease, and chemicals used during Gomec's apprehension, which included sedatives and tear gas. The investigation remained ongoing at year's end.

In August 2001, two police officers from Basel shot and killed Michael Hercouet just over the border in France. The unarmed Hercouet was trying to evade police arrest after stealing a car, and he allegedly attempted to run over the officers. No charges had been brought by year's end; the trial is expected to take place in France in 2003.

In November 2001, two Zurich policemen killed an unarmed man after a search for an alleged car thief. The investigation was pending at year's end.

During the year, a third policeman involved in the 1999 case of Khaled Abuzarifeh, another immigrant who died from suffocation while resisting deportation, died of a heart attack while awaiting a judgment in the case. Abuzarifa's lawyers said they would sue the Bern canton for \$30,000 (50,000 Swiss francs).

In March 2000, Graubunden police killed Ewald K., a 22-year-old man who had fired 19 bullets at neighboring buildings using his military rifle. Although no one was killed, Ewald K. severely injured a policeman and killed his trained dog. Markus Reinhardt, head of the Graubunden police, was charged with murder after he ordered elite policemen to execute Ewald K. after hours of unsuccessful negotiations. The victim's family sought \$34,340 (50,000 Swiss francs) in damages; however, on February 28 of this year, the cantonal court ruled that the immediate threat to the population justified the execution order.

In January 2000, a Geneva policeman fired at two French men driving in a stolen car after they refused to stop. The driver died immediately, while the passenger was severely injured. The police officer said he suspected the two victims of a robbery against an elderly woman. Police investigations later revealed that they did not participate in the robbery but were involved in several petty thefts. On September 30, a Geneva appeal court stated that the policeman had no intention to kill but instead fired to stop the car. The policeman still faces a fine, which was not yet determined by a district court.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, police occasionally used excessive force, particularly against foreigners. In 1999 the Canton of Geneva stated there were 715 reported cases of the use of force by police, 33 of which resulted in formal complaints. In a November 2001 report, the U.N. Human Rights Committee cited concern and called for effective responses to reported instances of police brutality during arrests and detentions, especially of foreigners.

On March 15, Zurich police trapped Kurt von Allmen against a wall with their car believing he was a thief. The victim's legs were broken, and one had to be amputated. An investigation remained ongoing at year's end.

On April 21, four Zurich police officers allegedly used extreme violence when arresting Eldar S., a 20-year-old Bosnian, on his way to a shopping mall. According to the victim, three policemen hit his head with a stick without warning, pushed him to the floor, handcuffed him and beat him again. Police authorities have denied these allegations and allege that the victim refused to surrender; and that there were only two policemen involved in the case, both of whom were also injured during the arrest. Two policemen involved were transferred to another police unit during the year; the investigation remained pending at year's end. Eldar S. was treated in a clinic for a serious psychological disorder allegedly resulting from the incident.

On May 1, a police dog bit a 33-year-old man in the face while a Zurich police officer interrogated him. Another police officer allegedly beat him while he was handcuffed. An investigation remained ongoing at year's end.

On August 24, Zurich police shot an unarmed man while pursuing a burglar. The victim was severely injured in the stomach. After political parties expressed concern over the shooting, an investigation began into the incident.

On May 29, the Zurich city council voted to appoint an Ombudsman to tackle all Human Rights-related complaints. By year's end, 35 complaints were still pending, of which 20 were filed during the year. On July 11, the Zurich city council set up a special parliamentary commission to review the functioning of the Zurich police as well as certain cases of abuses of human rights.

On July 14, a Zurich court found a Zurich policemen guilty of excessive brutality and abuse of power against a woman he injured with a stick. The court fined him \$347 (500 Swiss francs) and ordered him to pay for the judicial expenses. The woman asked the court for \$8,870 (12,500 Swiss francs) in damages.

On February 1, Zurich police injured two young antiglobalization protestors by using anti-riot water cannons during the World Economic Forum in Davos. Doctors said the two plaintiffs suffered severe skin burns because the police mixed water with chloric acid. Under strict police regulations, water cannons cannot be used against persons directly but may only be used to keep protestors at bay. In some cases, police forces are allowed to mix water with no more than 1 percent tear gas. The two protestors alleged that the police action was disproportionate and sued the head of the Zurich cantonal police. The judgment was pending at year's end.

Prison conditions generally met international standards. Some nongovernmental organizations (NGOs) claimed that prisons were overcrowded, but the Government had taken measures to improve prison conditions and addressed overcrowding by expanding the number of detention facilities. In 2001 the cantonal Government of Jura agreed to investigate its prison living conditions after the press reported that prison guards had abused several inmates. Prisoners alleged that, besides insults and mistreatment, prison guards had encouraged some prisoners to commit suicide. The Penal Code requires that male and female prisoners be held separately and that juveniles be held separately from adults. Pretrial detainees also were held separately from convicted criminals.

The Government permitted prison visits by independent human rights observers. In February 2001, a delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) carried out a routine, periodic, 10-day visit that included visits to prisons in six cantons. The Committee stated that Swiss police generally treated inmates correctly during cross-examination and interrogation. The Committee also underlined the low amount of police mistreatment and stated that criticism was primarily a result of excessive use of force during arrest.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, some NGOs alleged that the authorities arbitrarily detained asylum seekers (see Section 2.d.).

The cantons are responsible for handling most criminal matters, and procedures vary from canton to canton. In general a suspect may not be held longer than 48 hours without a warrant of arrest issued by an investigative magistrate; however, asylum seekers and foreigners without valid documents may be held for up to 96 hours without an arrest warrant. A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney by the time an arrest warrant is issued. The State provides free legal assistance for indigents who may be jailed pending trial. Investigations generally are prompt; however, in some cases investigative detention may exceed the length of sentence. Release on personal recognizance or bail is granted unless the magistrate believes the person is dangerous or will not appear for trial. Any lengthy detention is subject to review by higher judicial authorities. During the year, approximately one-third of all prisoners were in pretrial detention, and the average length of such detention was 52 days.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

All courts of first instance are local or cantonal courts. Citizens have the right to appeal, ultimately to the Supreme Court. Trials involving minor offenses are heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases (including murder) by a jury.

The 1967 revised Military Penal Code (MPC) requires that all war crimes or violations of the Geneva Convention be prosecuted and tried in Switzerland, regardless of where a crime was committed and whether the defendant was a member of an army or a civilian. Normal civilian rules of evidence and procedure apply in military trials. The MPC allows the appeal of any case. The highest level of appeal is to the Military Supreme Court. In most cases, the accused used defense attorneys assigned by the courts. Any licensed attorney may serve as a military defense counselor. Under military law, the Government pays for defense costs.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials usually were expeditious. The Constitution provides for public trials, including the right to challenge and to present witnesses or evidence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Cantonal laws regulate police entry into private premises. These regulations differ widely from canton to canton, but all prohibit such practices without a warrant, and all government authorities generally respected these provisions in practice.

Instances of forced sterilization of women continued to be the subject of public debate during the year. A debate also was ongoing about the compensation of those forcibly sterilized in the aftermath of World War II. There is no comprehensive law against forced sterilization at the federal level because medical treatment is a cantonal matter. In 1981 the Swiss Academy for Medical Science decided that forced sterilization is not permissible if a person is incapable of understanding the consequences. The Academy strongly discourages the sterilization of mentally handicapped persons because of what the Academy called a changed social understanding of the sexuality of the mentally disabled.

In May 2001, the European Court of Human Rights (ECHR) ruled that the Government could not allow local tax authorities to force taxpayers to relinquish previously undisclosed bank account information. The ECHR ruled that the right for persons to refuse to testify against themselves applied in these cases.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected this right in practice; however, some municipalities restricted the public distribution of pamphlets, particularly by Scientologists (see Section 2.c.). An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom. The authorities legally may restrict these freedoms for groups deemed to be a threat to the State, but no groups were restricted during the year. In addition, the Penal Code criminalizes racist or anti-Semitic expression, whether in public speech or in printed material. The investigation into the Kosovo-Albanian newspaper Bota Sot for an alleged violation of antiracism law remained ongoing at year's end.

The press operated independently and was free from government intervention. The Federal Government subsidized the press indirectly by paying \$69 million (100 million Swiss francs) yearly to lower the postal rates for newspaper distribution. Under the proposed revised postal ordinance, regional and local publications may see their subsidies increase from \$17.3 million (25 million Swiss francs) to \$25.6 million (37 million Swiss francs).

The nationwide broadcast media were government-funded but had editorial autonomy. Private and foreign broadcast media operated freely.

On December 19, the Canton of Geneva dismissed public school teacher Hani Ramadan, a Muslim cleric, for his controversial remarks published in the French newspaper *Le Monde*. In the article, published in September, Ramadan defended death by stoning for adultery as set out in Islamic Sharia law. He also spoke out in favor of a religious ban on AIDS sufferers. Geneva has strict laws separating church and state, which restrict cantonal employees' ability to express personal views in an official setting. Geneva officials said their decision was based on the "anti-democratic" nature of his remarks. An investigation into the affair commissioned by the Geneva authorities found that his role as a religious representative was incompatible with his status as a teacher in a public school. The investigation conducted by the former cantonal prosecutor-general also found that, as a state employee, Ramadan had violated his obligation to refrain from airing controversial views. Ramadan, who was

suspended from his job in October, said he would appeal the decision.

In July the Zurich police blocked the NGO Pro PLO Schweiz from distributing flyers calling for a total ban on Israeli products. The police said the flyer constituted a violation of the antiracism law because it contained insults to a foreign state. Pro PLO Schweiz said it would appeal the decision.

Internet access was available and unrestricted. The Federal Office for Police provided an Internet monitoring service on its World Wide Web page in an effort to combat child pornography on the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is no official state church; however, all of the cantons financially support at least one of the three traditional denominations--Roman Catholic, Old Catholic, or Protestant--with funds collected through taxation. In all cantons, an individual may choose not to contribute to church taxes. However, in some cantons, private companies are unable to avoid payment of the church tax. A religious organization must register with the Government in order to receive tax-exempt status. There have been no reports of a religious group applying for the church taxation status that the traditional three denominations enjoy.

Groups of foreign origin are free to proselytize; however, foreign missionaries must obtain a religious worker visa to work in the country. Requirements include proof that the foreigner would not displace a citizen from doing the job, that the foreigner would be financially supported by the host organization, and that the country of origin of religious workers also grants visas to Swiss religious workers. Such permits were granted routinely and without any bias against any particular religion.

Due to increasing concern over certain groups, in 1997 the Government had asked an advisory commission to examine the Church of Scientology. The commission's 1998 report concluded that there was no basis for special monitoring of the Church, since it did not represent any direct or immediate threat to the security of the country. However, the report stated that the Church had characteristics of a totalitarian organization and had its own intelligence network. The commission also warned of the significant financial burden imposed on Church of Scientology members and recommended reexamining the issue at a later date. In December 2000, the Federal Department of Police published a follow-up report, which concluded that the activities of such groups, including Scientology, had not altered significantly since the first report and that their special monitoring therefore was not justified. The Government no longer specially monitored the Church of Scientology.

In December 2001, the Vaud cantonal court rejected a claim by the Church of Scientology that it had been constantly discriminated against by Lausanne authorities, which prevented them from renting a restaurant and launching an advertising campaign. The court said that the Church of Scientology could not be considered a real church because its services had no religious connection. As a result, the court said religious discrimination did not apply. The Lausanne Treaty interpreted the court ruling as affirming the primarily commercial nature of the Church of Scientology. The Church did not appeal the court decision.

In February 2001, the ECHR upheld the Canton of Geneva's legal prohibition of a Muslim primary school teacher from wearing a headscarf in the classroom. The Court ruled that the Geneva regulations do not violate the articles on religious freedom and nondiscrimination of the European Convention on Human Rights. The Court found that the legal provisions did not discriminate against the religious convictions of the complainant, but were meant to protect the rights of other subjects as well as the public order.

According to the 2001 Swiss National Security Report, as of December 2001, there had been 183 cases brought to court under the 1995 antiracism law, with 83 convictions. Of those, 43 persons were convicted for racist oral or written slurs, 19 for anti-Semitism, 17 for revisionism, and 4 for other reasons. Government officials, including former President Leuenberger, have spoken frequently and publicly against anti-Semitism.

On May 22, a Vevey district court sentenced three revisionists--Gaston-Armand Amaudruz, Philippe Georges

Brennenstuhl and Rene-Louis Berclaz--to prison terms of 3 and, in Berclaz's case, 8 months for racial discrimination. All men were found guilty of writing and distributing two books that outlined their revisionist and anti-Semitic views to the general public. Only Brennenstuhl was present at the court ruling. He declined to answer the court's questions and built his case on the constitutional right to free speech.

On June 19, the Islamic Center of Geneva, filed criminal charges with the cantonal prosecutor's office against Italian journalist Oriana Fallaci, author of the book *Rage and Pride*. The plaintiffs alleged that some of the book's remarks on the Muslim community violated Switzerland's anti-racism legislation and asked for the book to be seized and taken off bookstore shelves. The plaintiffs also cited specific passages in the book that they believed falsely characterized and offended persons of Muslim faith.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights for citizens, and the Government generally respected them in practice. However, noncitizens convicted of crimes may receive sentences that include denial of reentry for a specific period following the completion of a prison sentence.

The law contains provisions for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, of which the country was a co-drafter. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum. The Federal Office for Refugees estimated the total number of asylum applicants and temporary residents living in the country during 2002, at 93,741, an increase of 0.4 percent from 93,363 in 2001. (This number included recognized refugees and persons granted temporary asylum, as well as persons who had a first asylum application pending, had appealed a rejection, or were awaiting repatriation.) Applications for asylum increased by 26.6 percent, from 20,633 in 2001 to 26,125 during the year. During November 2,279 people filed an asylum request, totaling 19,015 since the beginning of the year. The number of asylum requests in November was higher than during November 2001, when 2,060 asylum seekers filed a request. Refugees whose applications are rejected are allowed to stay temporarily if their home country is experiencing war or insurrection. The Government denied having forced persons to return to countries where they had a well-founded fear of persecution and insisted that each case be examined carefully; however, NGOs, including the well-known NGO Eyes Open, accused the Government of expelling rejected asylum seekers in some cases when conditions in their native countries remained unfavorable.

The 1999 asylum law provides for the collective admission of victims of violence and authorizes the Federal Council to grant them temporary protective status. It also simplifies and accelerates the process of applying for asylum. At the same time, the law is designed to curtail the misuse of asylum regulations and enable the more rapid repatriation of uncooperative refugees or those who enter the country without identity papers. The Government may refuse to process the application of an asylum seeker who is unable to credibly justify a lack of identity papers. In such a case, the applicant must submit an appeal to reactivate consideration of the application within 24 hours. NGOs contended that such a short time period did not constitute an effective remedy and therefore violated the European Convention on Human Rights.

In a national referendum on November 24, the Swiss electorate rejected, by a narrow margin of 50.1 percent of the vote, the nationalist Swiss People's Party's (SPP) popular initiative "Against Abuse of the Right to Asylum," which effectively would have closed the door to the overwhelming majority of asylum applicants seeking refuge in the country. The SPP proposal was defeated by a margin of 3,422 votes out of a total of 2.2 million ballots cast. Although the Swiss-French cantons and Ticino turned out against it, the initiative carried a majority of cantons, which reflected the deep-rooted popular unease with current immigration and asylum policies. Voter turnout was just under 47 percent. The results were only provisional, and it was expected to take between 6 to 8 weeks for them to be confirmed. The Federal Chancellery had announced that a margin of error between 2,000 and 10,000 votes was not unusual for the provisional results released on election day; therefore the verdict may still be overturned.

The Government initially offered material and financial aid worth \$50.5 million (86 million Swiss francs) to Kosovar refugees leaving the country voluntarily. Some 33,000 Kosovars accepted this offer, which ended in May 2000. The Federal Government granted a delay in departure in 1,962 cases that involved individual hardship (including families with children in school, members of ethnic minorities, the elderly, the sick, single mothers, and pregnant women).

The Government agreed to slow the flow of repatriations during the winter of 2000-01 after former U.N. Special Representative to Kosovo Bernard Kouchner claimed that some areas of Kosovo were then unsafe. Approximately 740 Kosovars nevertheless were repatriated during the year. In mid-August, the Federal Department for Refugees initiated voluntary repatriations for Macedonians.

Determining that the situation in the southern part of Sri Lanka was safe, the Federal Office of Refugees announced in August 2001 that it would proceed with the repatriation of 130,000 Sri Lankan refugees. Government representatives claimed that they carried out an ongoing review of the situation in Sri Lanka and that refugees would be repatriated to Colombo but mandated that no returns would take place in the eastern and northern parts of the country, where conflicts persisted. The refugee office also announced that women, minors, elderly, and persons with disabilities might qualify for temporary residence permits. The NGO Swiss Association for Refugees stated that it regretted the decision and feared some refugees would be sent back to areas in which war was ongoing. Lump sums of \$588 (1,000 Swiss francs) for adults and \$290 (500 Swiss francs) for minors were paid to facilitate the refugees' return to Sri Lanka, in addition to airfare.

In October federal authorities rejected the asylum applications of dozens of Roma from Romania who arrived in the country during the year. Roma asylum applications increased from 33 in 2001 to 968 in 2002. On October 9 and 10, the authorities deported 211 Roma to Romania.

In 2000 the umbrella organization of NGOs concerned with aiding refugees, Swiss Aid to Refugees, criticized the Federal Government for some forced repatriations of Kosovo refugees that they termed excessively harsh and inhuman. Eyes Open criticized Zurich cantonal police practices in the compulsory repatriations of failed asylum seekers (see Section 1.c.). The group noted the excessive use of hand and leg restraints in the return of Congolese asylum seekers in August 2001.

On April 11, the Swiss Cantonal Conference of Police Directors presented a series of measures aimed at banning facial-gags as well as excessive use of force and techniques that limit breathing during forced repatriations. The move came after the death in 1999 of a 27-year-old Palestinian asylum seeker, Khaled Abuzarifa, who suffocated after being bound and gagged by his police escort at Zurich airport and caused much criticism from international human rights groups (see Section 1.a.). Of the 8,551 repatriations in 2001, 99 involved forced deportations.

Some human rights NGOs charged the authorities with abuses in connection with the implementation of a 1995 amendment to the Law on Foreigners. The amendment is aimed at asylum seekers or foreigners who live illegally in the country and who are suspected of disturbing the public order or avoiding repatriation. In particular these groups alleged instances of abuse by police, including arbitrary detention as well as denial of access to established asylum procedures at the country's two main airports. They also charged that police officers used the law to detain or harass asylum seekers who were not suspected of having disturbed public order. Under the law, police actions are subject to judicial oversight, and the Federal Court overturned many cases in which it believed that there was insufficient regard for the rights of asylum seekers and foreigners. While NGOs claimed that the situation with regard to arbitrary detention has improved, they contended that the denial of access to asylum procedures at the two airports remained a problem. NGOs also acknowledged that asylum seekers had better access to legal counseling at the airport, but not to legal representation. Without legal representation, would-be asylum seekers often were unable to appeal a rejection of their asylum request within the 24-hour time limit.

In September 2001, in what police claimed was a last attempt to avoid a scheduled repatriation to France a week later, a 30-year-old Algerian national allegedly hung himself in his cell in Chur. The Graubunden cantonal police denied any involvement in the death and said the man hung himself with a self-made rope of fabric. The refugee reportedly already had resisted two other attempts to deport him at both Geneva and Zurich airports. An investigation found that prison authorities were not responsible for his death.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Initiative and referendum procedures provide unusually intense popular involvement in the legislative process. A new Constitution took effect in January 2000.

According to the Federal Office of Statistics, the proportion of women in cantonal government after the 1996 and 2000 elections decreased from 19.8 percent to 18.5 percent. There were 55 women in the 246-seat Parliament. Women held 2 of 7 seats in the Federal Council (Cabinet), approximately one-fourth of the seats in the cantonal government executive bodies, and one-fifth of the seats in the communal executive bodies. In 1999 the electorate

overwhelmingly rejected a popular initiative to mandate equal gender representation in all federal institutions. Quotas existed at the Federal level and ensured that males or females were not underrepresented in extraparlimentary commissions; the minimum level of representation for women was 30 percent.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A large number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and laws prohibit discrimination on the basis of race, sex, language, or social status, and the Government generally enforced these prohibitions effectively, although some laws tend to discriminate against women. The Constitution includes provisions for equal rights for persons with disabilities and for minorities.

Women

Violence against women was a problem. According to a 1997 government-funded study on domestic violence, one-fifth of all women suffered at least once in their lifetimes from physical or sexual violence, and approximately 40 percent suffered from psychological or verbal abuse. A 1998 study estimated that over 100,000 cases of domestic violence occurred each year. The law prohibits domestic violence but does not differentiate between acts of violence committed against men and women.

Spousal rape is a crime. The difficulty in gathering information about the number of persons prosecuted, convicted, or otherwise punished for spousal abuse stems in part from the fact that legal cases are handled by each canton, and data often are not up-to-date. However, some cantonal or district police forces have specially trained units to deal with violence against women. A total of 387 men were prosecuted for 454 rape offenses involving 434 victims during 2001, an increase of 12.4 percent over 2000.

Victims of domestic violence may obtain help, counseling, and legal assistance from specialized government and NGO agencies or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. A total of 845 women and 902 children took refuge in 16 women's shelters across the country during 2001. Those in charge of the shelters estimated that nearly as many women were denied access due to a lack of space and limited funding. The Federation of Women's Organizations and numerous other women's NGOs continued their activities to heighten public awareness of the problem of violence against women.

According to a recent study by the Swiss National Foundation, one out of five women in Switzerland are likely to suffer from domestic violence. Violent husbands can be jailed up to a maximum of 24 hours, but experts recognized clear rules were lacking. Parliament was debating the issue at year's end.

Prostitution is legal for Swiss citizens if the practitioners are registered with police and comply with taxation and other cantonal requirements; prostitution by foreigners is illegal. The Penal Code criminalizes sexual exploitation and trafficking in women; however, trafficking in women remained a problem (see Section 6.f.).

Sexual harassment in the workplace was a problem. The law includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment in the workplace. Although the Constitution prohibits all types of discrimination, and the law provides for equal rights, equal treatment, and equivalent wages for men and women, some laws continued to discriminate against women. A federal marriage law provides that in the event of a divorce, assets accumulated during the marriage will be divided equally; however, the Supreme Court ruled that the primary wage earner must be left with sufficient income to remain above the poverty level. Since the man was the primary wage earner in most marriages, when the income was too low to support both parties, it was usually the wife (and children) who was forced to survive on public assistance. Statistics from 1999 showed that nearly 70 percent of women who did not work outside the home while married fell below the poverty line immediately after a divorce. Although mandated by a constitutional amendment in 1945, no federal law on maternity insurance exists.

Immigrant women who marry Swiss husbands but live in Switzerland for less than 5 years risk deportation if they divorce their spouse. The 5-year residency requirement may be reduced to 3 years under exceptional

circumstances. NGOs argued that this prevented women with marital problems from being able to seek help or leave their husbands without serious consequences.

Varying police practices in different cantons sometimes took into consideration such factors as the country of origin, education, and income levels of the immigrant women. Their registered purpose for being in the country was to stay with spouse until they received their own long-term residency permits.

The law includes a general prohibition on gender-based discrimination and incorporates the principle of equal wages for equal work; however, professional differences between men and women were evident. Women less often occupied jobs with significant responsibilities, and women's professional stature overall was lower than men's. A 2000 study found that discriminatory behavior by employers accounted for 60 percent of the overall wage gap between men and women. The study, which compared wages for women and men in the private sector from 1994 to 1996, found that wages were on average 21.5 percent lower for women than for men with identical jobs and levels of education. Individual cases of denial of equal pay for equal work were subject to the law. Women also were promoted less than men. In 1998 the latest year for which data was available, 25.3 percent of women between the ages of 15 and 61 were not in the work force, compared with 10 percent for men, and women held 82 percent of all part-time jobs. Only 38 percent of women held managerial positions compared with 56.9 percent of men.

The law prohibits women from working during the 8 weeks after the birth of a child. Further measures also protect pregnant and breast-feeding women. For example, pregnant women are not allowed to work night shifts during the 8 weeks prior to giving birth. The law does not provide for compensation; however, 72 percent of working women have negotiated maternity benefits with their employers. In July 2000, the Government submitted to Parliament a new draft in favor of aligning Swiss maternity leave to European Union standards. It called for 14 weeks of paid maternity leave and asked employers for full pay during the first 8 weeks in order to be consistent with the law prohibiting women from working in the first 8 weeks after birth. The Council of States, the upper house of Parliament, followed the lead of the Federal Council in December 2000 and required the Federal Government to develop a new maternity benefits plan in line with the July 2000 proposal. Women in the Canton of Geneva were provided paid maternity leave. The law provided for 16 weeks of leave following a birth at 80 percent of salary for all women who had previously worked in the canton for a minimum of 3 months.

The Federal Office for Equality Between Women and Men and the Federal Commission on Women work to eliminate all forms of direct and indirect discrimination. In 1999 a federal level interdepartmental working group issued an action plan to improve the situation of women following the country's commitments at the 1995 U.N. Convention on the Elimination of all Forms of Discrimination Against Women. The plan includes measures that address poverty, decision-making, education, health, violence against women, the economy, human rights, the media, and the environment. For example, the plan calls for financial support for childcare facilities at colleges and universities to enable a larger number of women to obtain a higher education; continued education and support for specialists in the area of addiction prevention for women; and ongoing analysis and data collection on the issue of wage differences between men and women. To achieve its mission, the Federal Office for Equality Between Men and Women increased its allocated budget for the year to \$4.4 million (6.36 million Swiss francs), compared with \$3.83 million (5.54 million Swiss francs) in 2000; the office employed 14 persons. In November the Federal Council approved a progress report to Parliament on the implementation of the 1999 action plan by the federal authorities. The report concluded that most measures of the action plan had been implemented but that further action was necessary to make gender equality a guiding principle of all activities of the federal administration. The report noted that most progress had been made in the areas of higher education and the economy, where concrete projects to promote equal opportunities such as incentive programs and day-care centers had been implemented.

Many cantons and some large cities have equality services mandated to handle gender issues. More than half of the cantons have an office in charge of promoting equality, but funding and personnel levels remained uneven. The majority of the cantons had commissions that reported to the cantonal government.

Children

The Government has no special programs for children, and there is no special governmental office for children's matters; however, the Government was strongly committed to children's rights and welfare. It amply funded a system of public education and need-based subsidies of health insurance. Education was free and compulsory for 9 years, from age 6 or 7 through age 16 or 17, depending on the canton. Some cantons offered a 10th school year. Almost all children attended school. The Government subsidized the health insurance premiums of low-income families.

There was no societal pattern of abuse of children, although it did occur. The federal and cantonal governments,

as well as approximately 80 NGOs that defend children's rights, have devoted considerable attention in the last few years to child abuse, especially sexual abuse. For convicted child sexual abusers, the law provides for imprisonment of up to 15 years. On October 1, new regulations of the statute of limitations for all crimes went into effect. For cases of child abuse, the statute of limitations has been extended to 15 years. In cases of severe sexual abuse, the statute does not take effect before the victim turns 25. If a court of first instance hands down a sentence before the stipulated time, the statute of limitations is suspended indefinitely.

During the year, the Swiss police participated in large antipedophile operations involving several countries. Police authorities from all over the country investigated more than 800 premises, questioned as many individuals, and confiscated more than 1,000 personal computers and more than 16,000 data carriers.

To combat child pornography on the Internet, the Federal Office for Police provided an Internet monitoring service on its World Wide Web page. Individuals who find pornographic material involving children were asked to contact the Federal Office via e-mail. The production, possession, distribution, or showing of hard pornography are crimes punishable with fines or prison sentences. Any pornography involving children falls into this category. In March 1999, an NGO published the first compilation of cases of child pornography and prostitution in the country. The study cited 60 cases: Most of the victims were girls between 13 and 17 years of age.

With respect to the prosecution of child sexual abuse abroad, the law provides for prosecution in Switzerland only if the act is considered a crime in the country in which it took place. However, as part of the ongoing revision of the Penal Code, Parliament in December adopted a clause making such acts punishable regardless of where the crime took place. The bill is still subject to the constitutional referendum period and is expected to come into force before 2004.

In July the Government signed a mutual legal assistance treaty in criminal matters with the Philippines that allows Philippine victims of Swiss pedophiles to give anonymous tips to Swiss authorities. The MLAT provides for the voluntary exchange of information short of a legal assistance request as well as the questioning of witnesses and experts by videoconference.

Children of migrant seasonal workers are not permitted automatically to join their parents. Children of foreigners working as migrant laborers only are permitted to visit on tourist visas for a period of 3 months at a time. After 3 months, they must return to their home country for 1 month.

Persons with Disabilities

The law prohibits discrimination directed at persons with disabilities in employment, education, and the provision of other state services. The total number of persons with disabilities was estimated to be 700,000 (10 percent of the population). Most cantons already had implemented some provisions for persons with disabilities, but there was no countrywide standard. Advocates for persons with disabilities have called for new measures to ensure greater protection for their rights. The Constitution provides for equal opportunities for persons with disabilities. However, only approximately 3 percent of public buildings were accessible for wheelchair use.

An initiative called Equal Rights for People with Disabilities was launched in 1999 that would change the law and grant all persons with disabilities access to all public facilities and services, to the extent that the costs were within government means. Claiming that the financial consequences of the proposed change in law would have a negative impact on the economy, the Federal Council submitted an alternative draft law in December 2000. In September and November, respectively, the two houses of parliament rejected the bill. However, parliamentary debate of the Federal Council's alternative draft law continued at year's end. Neither the Government nor the Constitution mandates that buildings or transportation facilities be made accessible, and advocates for persons with disabilities have called for easier access to buildings and public transportation. Under the Federal Council's draft law, public services would have to be made accessible over a period of 20 years. Opponents of this proposal claimed that the transition period would be far too long and urged that private premises, such as multiple-level housing, should also be required to implement the changes. Under the proposal, the Government would finance part of the costs to make public transportation facilities accessible but only up to a maximum of \$180 million (300 million Swiss francs). By some estimates, implementation costs could reach \$19 to \$28 million (31 to 47 million Swiss francs) per year. In June Parliament approved the Government's financing plan.

National/Racial/Ethnic Minorities

According to statistics gathered by an NGO, the Foundation Against Racism and Anti-Semitism, 76 reported incidents were directed against foreigners or minorities in the first 8 months of the year, compared with 82 during

the same period in 2000. The total number of reported incidents in 2000 was 109. These figures include instances of verbal and written attacks, which are much more common than physical assaults. Investigations of such attacks generally are conducted effectively and lead, in most cases, to the arrest of the persons responsible. Persons convicted of racist crimes commonly are sentenced to between 3 days' and 3 years' imprisonment and a fine of up to \$27,000 (40,000 Swiss francs). In 2000 and 2001, approximately 40 persons were convicted of racial discrimination.

The Federal Service for the Combating of Racism of the Department of the Interior, established in 2001, started operation in January. It manages the Federal Government's "Fund Projects against Racism and for Human Rights" that has a budget of \$10 million (15 million Swiss francs) for the 2001-2005 period. The amount of \$335,000 (500,000 Swiss francs) per year have been earmarked for the establishment of new local consultation centers where victims of racial or religious discrimination may seek assistance. Approximately 130 consultation centers or contact points existed in the country. In addition, the Federal Service for the Combating of Racism sponsored a variety of educational and awareness-building projects to combat racism, xenophobia, and anti-Semitism. Over \$680,000 (1 million Swiss francs) was spent to support youth projects.

Neo-Nazi, skinhead, and other extremist organizations attracted greater police and government attention during the year because of such groups' increasing organization at international levels, the violence such groups commit, and the youth of the group members. In June 2001, the Federal Council granted \$2.3 million (4 million Swiss francs) to the National Science Foundation to undertake research on rightwing extremist groups. The country's central European location makes it a convenient meeting place for groups from around the continent, and police frequently monitored large gatherings of neo-Nazis and skinheads, such as parties and concerts. During the year, the Federal Police estimated that the number of members involved in right-wing extremist groups was approximately 1,000, an increase from 900 in 2000.

The number of incidents involving "skin-heads" decreased slightly during the year, with approximately 100 reported attacks, demonstrations, and gatherings; however, these incidents involved more violence and were more frequently directed against individuals rather than property. In August 2000, a small gang of "skinheads" assaulted and injured two black men in the city of St. Gallen. The attack caused a large brawl involving more than 50 "skinheads" and 80 members of St. Gallen's black community. On March 21, the St. Gallen district sentenced the extremist gang leader and a gang member to prison sentences of 6 and 3 months respectively.

During the year, meetings of skinheads continued to occur. In April approximately 150 skinheads assembled at a rock concert in Nussbaumen. The group's members came from various Swiss cantons and also from Southern Germany. In August approximately 1,000 mostly Swiss and German right-wing extremists gathered for a weekend in Affoltern am Albis, on the outskirts of Zurich. Police monitored the event and checked participants but did not intervene.

According to the Director of the Federal Commission against Racism, many extremist groups strive to create political parties to have more political influence. One such party, the Party of Nationality-Oriented Swiss, was founded in canton Basel Country. Under the Constitution, such political parties have a legal right to voice their opinions as long as they are not linked to criminal activity.

The Government and private organizations have invested considerable resources to combat such groups and stem their growth.

In a highly publicized case, in January 2001, 19-year-old Marcel von Allmen from the Interlaken town of Unterseen was killed by neo-Nazis with whom he was associated. Von Allmen was active among neo-Nazis, but in the prior few months had attempted to separate himself from them. Four of his companions (all between 17 and 22 years of age) admitted to killing von Allmen and disposing of his corpse in Thun Lake. The Thun investigative magistrate was investigating the case at year's end. The three adult defendants, who had to undergo psychiatric evaluations, are scheduled to be tried by the Interlaken district court in 2003. The fourth defendant was tried as a juvenile; he is required to undergo a psychiatric and educational program at a minimum for 2 years, and at a maximum until his 26th birthday.

Federal penal law prohibits racial discrimination, and police have used this law to monitor and close such web sites. In February the Government mandated the Federal Office of Police to set up a new national coordination center to monitor Internet crime. The program is to include the monitoring of hacking, child pornography, economic crime and racism.

Swiss Roma groups who claimed that they were victims of racial prejudice received assistance during the year

from the Department of the Interior. Roma complaints included their exclusion from more camping sites, which do not allow or which limit the number of Roma allowed on the site. The Department continued its \$90,000 (150,000 Swiss francs) annual endowment program to Future for Swiss Itinerants, a foundation that worked to improve living conditions of the Roma.

The foundation attempted to raise public awareness of the Roma and lobbied cantonal governments on their behalf to provide sufficient grounds for their camps. During the year, the Foundation organized an exhibit in the context of the national exhibition Expo.02 and in November organized a conference for representatives of federal and cantonal authorities on the issue of non-Swiss Roma passing through the country.

Cantons have discretion regarding the naturalization of foreigners. In March 2000, the voters of Emmen, a small township in the Canton of Lucern, voted on local foreign residents' applications for citizenship. The voters rejected 48 applicants, almost all from southeast Europe, while approving eight Italians' citizenship bids. The Federal Council determined that it should examine the process. The Emmen vote caused a national uproar and prompted several motions in Parliament. The critical reactions of other cantons and the response of the Federal Council in examining the Emmen vote prompted a debate regarding the extent to which the naturalization regulations of a particular township may be reviewed. In June Emmen held another vote on the applications of 13 foreigners for citizenship. All 13 were accepted, including 5 from the Balkans. However, in September a popular vote denied citizenship to 10 Turks living in Schwyz. The vote was the fourth rejection of citizenship applications for some applicants.

In April 2001, the Zurich district prosecutor's office opened an investigation of the Kosovo-Albanian newspaper Bota Sot for alleged violation of the antiracism law. The newspaper, which has an editorial office in Zurich, allegedly used racist and inflammatory language when referring to Serbs in Kosovo and Macedonians in Macedonia. The publisher of Bota Sot, Xhevdet Mazrekaj, denied the accusations.

Victims of racial discrimination may appeal a national court ruling to the ECHR. Cases first must be litigated in national courts, but they may be appealed to the United Nations. Citizens have the choice of appealing to either the U.N. committee or the ECHR but may not appeal a U.N. decision to the ECHR or vice versa. Both are mutually exclusive and cannot overrule the other's decisions.

Section 6 Worker Rights

a. The Right of Association

All workers, including foreigners, have the freedom to associate freely, to join unions of their choice, and to select their own representatives, and workers exercised these rights in practice. Approximately one-quarter of the work force was unionized. Unions are independent of the Government and political parties.

The law protects workers from acts of antiunion discrimination, and the Government generally respected this provision in practice.

Unions associate freely with international organizations.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and bargain collectively, and unions exercised this right. Periodic negotiations between employer and worker organizations determine wages and settle other labor issues at the local, or infrequently, at the industry sector level.

Nonunion firms generally adopt the terms and conditions fixed in the unions' collective bargaining. However, the Swiss Federation of Trade Unions reported that employers were increasingly trying to avoid collective bargaining. Some employers left their Federation in order to avoid the collective agreement for their industry. For example, only 37 of the 270 Swiss textile employers adhered to the collective agreement in 2000.

Labor appeal courts existed at both the cantonal and district levels.

On January 1, the 2000 Federal Act on Public Servants took effect and removed a long-standing prohibition on the right to strike by employees of the Federal Government and state-owned bodies, such as the railways and the postal service. Under this Act, the Government may curtail or suspend the right to strike for certain categories of

government employees only for reasons of national security, safeguarding national foreign policy interests, or providing the population with essential goods and services. The Federal Act on Public Servants only applies at the federal level. In some cantons and many communes public servants were still denied the right to strike.

The 2000 revised Constitution provides specific protection for the right to strike; however, effective and informal agreement between unions and employers have resulted in fewer than 10 strikes per year since 1975. In 2001 there were only 3 days of striking on record. Swiss law prohibits retribution against strikers or their leaders.

On November 4, several thousand construction workers participated in the largest strike in 55 years demanding a lower, voluntary retirement age.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution implicitly bans forced or bonded labor. Article 27 provides for economic freedom and explicitly guarantees the right to choose freely one's profession as well as unrestrained access to and unencumbered exercise of a gainful occupation. The Government prohibits forced or bonded labor by children which is explicitly forbidden under Article 30 of the 1964 Labor Act. There were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for the full-time employment of children is 15 years, and children generally remained in school until this age. Children over 13 years of age may be employed in light duties for not more than 9 hours per week during the school year and 15 hours otherwise. The employment of youths between the ages of 15 and 20 was regulated strictly; they were not allowed to work at night, on Sundays, or in hazardous or dangerous conditions. The State Secretariat for Economic Affairs effectively enforced the law on working conditions. Government officials inspected companies that allegedly employ children illegally after receiving complaints. During the year, no employers were fined or received conditional sentences for violations of the law.

e. Acceptable Conditions of Work

Government regulations cover maximum work hours, minimum length of holidays, sick leave and compulsory military service, contract termination, and other requirements. However, there was no national minimum wage, which resulted in low wage structures for unskilled and service industry workers. Employees in the retail sectors, in cooperation with other interests, have been successful in slowing reform of the restrictive federal and cantonal laws governing opening hours; however, these restrictions were easing at year's end.

The law sets a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period of 35 consecutive hours plus an additional half day per week. Annual overtime is limited by law to 170 hours for those working 45 hours per week and to 140 hours for those working 50 hours per week.

The Labor Act and the Federal Code of Obligations contain extensive regulations to protect worker health and safety. There were no reports of lapses in the enforcement of these regulations, but the degree to which enforcement is effective was unclear. A 1998 law was designed to increase flexibility in the workplace and remove restrictions on women working at night. Workers had the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

The law generally protects legal and illegal foreign workers; however, the law was not always respected in practice. Illegal foreign workers were not covered by mandatory health insurance in case of illness or accident. Wage discrimination against foreign workers was not permitted. According to an NGO, 100,000 to 300,000 foreign workers were vulnerable to abuse of their rights during their participation in the underground economy for long periods. Late in the year, many of these workers demonstrated for legal status and more worker rights by occupying churches in major cities for several days in cooperation with religious and human rights groups.

In June 2001, the Minister of Justice criticized many cantons for tolerating the use of illegal aliens, who earned substandard wages without protection and proposed improved worker legislation.

f. Trafficking in Persons

The Penal Code criminalizes sexual exploitation and trafficking in persons; however, trafficking in women for prostitution increased.

Trafficking in persons may result in prison sentence of up to 20 years; coercing a person into prostitution or restricting a prostitute's personal freedom can carry a sentence of up to 10 years in prison.

On April 29, the Federal Court decided that hiring young women, who come from abroad, to engage in prostitution in Switzerland by taking advantage of their difficult situation, generally constitutes human trafficking. In particular, the Federal Court ruled that a woman's consent to prostitute herself was invalid, if it was obtained in a situation of distress. (The charge of human trafficking only applies if the victims engage in prostitution against their will.) Under the new ruling, the charge still applies even if on the face of it the women were prostituting themselves voluntarily but their traffickers exploited a situation of distress or dependency.

On November 26, the Federal Court upheld a ruling of a Zurich cantonal court, which in January 2001 sentenced a Thai woman to 4½ years in prison and a \$7,200 fine (10,000 Swiss francs) after she was found guilty of human trafficking. Between 1993 and 1998, the woman assisted a total of 39 Thai women to enter prostitution in Switzerland. The victims were forced to work up to 17 hours a day and reimburse \$8,000 (12,000 Swiss francs) for the travel expenses. The Federal Court deemed irrelevant that the trafficked women had formally consented to engage in prostitution given their precarious economic situation in Thailand. The Federal Court dropped some lesser charges and sent the case back before the Zurich cantonal court for review.

The prosecution of illegal prostitution and trafficking of persons normally falls under the jurisdiction of cantonal police authorities. However, since 2001, more complex cases that involve several cantons or are linked to organized crime are under the authority of the federal agencies to investigate and prosecute.

The Federal Council in 2000 charged the Federal Department of Justice and Police with setting up an interdepartmental working group to assess the need for additional government action, namely new legal provisions, to combat human trafficking. In its final report released during the year, the working group conjectured that there were approximately 3,000 cases of human trafficking every year from Eastern Europe alone, but only about 30 cases (1 percent) were reported to the police, leading to fewer than 5 convictions per year. The main reason given for this discrepancy was the restrictive immigration policy which undermined the effectiveness of the Penal Code and the Victim's Assistance Law. Current immigration legislation, which criminalizes the victims of human trafficking (because they reside or work illegally in the country) and normally leads to their rapid deportation upon detection, serves as a disincentive for victims to turn against their traffickers. The report made several recommendations on how to combat human trafficking: Broaden the definition of human trafficking in the Penal Code to include exploitation of labor force and organ snatching; run awareness campaigns both in Switzerland and the countries of origin, grant (temporary) residency to victims of human trafficking, and improve local cooperation among the police, judicial authorities and victim assistance centers. The Federal Council tasked the departments concerned to assess these proposals and to make recommendations as to their implementation.

Since 1905 the Government has had an office to combat the trafficking of young women for the purpose of commercial sexual exploitation. The human trafficking office existed as part of the Federal Office of Police (BAP) until the latter's reorganization in 2000. Since then, two separate BAP divisions handle trafficking problems in the broader context of organized crime: the Federal Criminal Police handles international cooperation and investigations of organized crime, including human trafficking, and the Service for Analysis and Prevention (DAP) does strategic analyses of information.

In order to confront modern forms of trafficking in women, especially via the Internet, the Federal Police have increased the number of their agents since 1999. In October 2001, the Justice Ministry established within the Federal Department of Police a Central Coordination Office for Human Trade and Human Smuggling to better coordinate activities to fight illegal migration, which will start operations at the beginning of 2003. The investigation, enforcement, and prosecution of individual trafficking and related cases was the responsibility of the cantonal police authorities. The federal human trafficking office also supported the cantonal prosecution authorities with information concerning trafficking abroad. However, since 2001, more complex cases that involved several cantons or were linked to organized crime were under the authority of the federal agencies to investigate and prosecute.

The Government has institutionalized an exchange of information on trafficking in persons with NGOs. The Department of Foreign Affairs (DFA) helps fund programs intended to combat trafficking from Eastern Europe, having spent approximately \$193,416 (120,000 Swiss francs) on anti-human trafficking programs during the year. In addition, DFA's Development Cooperation Office (DEZA) funded half a dozen programs intended to combat human trafficking mainly from Eastern Europe and the former Soviet Union with approximately \$120,000 (300,000

Swiss francs). In March 1999, the Government introduced new visa requirements for applicants from four South American countries: Colombia, Cuba, Ecuador, and Bolivia. The Interior Ministry's Office for Equality between Women and Men initiated a program to train Swiss consular officials to educate visa applicants in their home countries on the risks of falling victim to human traffickers and methods used to lure women into vulnerable situations. The Government provided funding to the Stability Pact for South Eastern Europe's Anti-Trafficking Task Force and supported the OSCE's Office for Democratic Institutions and Human Rights Anti-Trafficking Project Fund.

The country was a destination and, to a lesser extent, a transit location. According to authorities, most persons trafficked in 2000 originated in Thailand, parts of Africa, or South America. An increasing number of trafficked women arrived from Eastern Europe, particularly Hungary, Russia, Ukraine, or other states of the former Soviet Union. Police figures indicated that approximately 14,000 prostitutes worked in the country both legally and illegally. More than half worked in Basel, Bern, Zurich, Lucerne, Geneva, and Ticino.

Since the late 1990s, a growing number of salons and clubs have appeared in which women registered as artists engaged in illegal prostitution. Authorities suspected that traffickers were bringing some of these "artists" into Switzerland. Police monitoring was difficult because the artist visas (also called the "L" residency permits) include an allowance for a short work period during which individuals may engage in some form of self-employed activity. Approximately 1,800 women normally stayed in Switzerland on "L" residency permits spread across about 400 cabarets. According to statistics from May 2001, prostitutes from the former Soviet Union accounted for 67 percent of all "L" residence permits. L Permits issued to Ukrainian women increased from 88 in 1995 to 407 in May 2001, an increase of 360 percent in 6 years. Permits to Romanian and Moldavian women increased by 650 percent and 800 percent, respectively, over the same period. According to the Chief of the Geneva vice squad, the police had no legal means of preventing cabaret dancers from prostituting themselves after work hours but tried to prevent physical abuses against prostitutes. Smaller prostitution networks also existed and often involved relatives of foreign families established in the country, or members of the same ethnic groups.

Traffickers often forced victims into prostitution and in many cases subjected them to physical and sexual violence, threatened them or their families, encouraged drug addiction, withheld their documents, and incarcerated them. Many victims were forced to work in salons or clubs to pay for the cost of their travel and forged documents and found themselves dependent on the traffickers. Generally the victims were unable to read, write, or speak the country's languages, and were afraid to seek help from the authorities.

Under the Swiss Victim's Assistance Law, trafficking victims may seek help from centers providing assistance to abuse victims. These centers/shelters typically provided counseling as well as material and legal aid but in some cases may also provide travel vouchers and emergency lodging. In penal proceedings, trafficking victims who are testifying enjoy special protection of their identity and may request the trial to take place behind closed doors and a confrontation with the defendant to be avoided. Women's shelters and NGOs that provided services to victims received federal and cantonal government funding. For example, the Zurich-based Women's Information Center (FIZ), which assisted women from Africa, Latin America and Eastern Europe, received roughly 40 percent of its \$250,000 budget (420,000 Swiss francs) from federal, cantonal and city governments.

In some regions, NGOs complained of working at odds with cantonal police authorities that tended to favor rapid deportation of possible trafficking victims and were inclined to treat the latter as criminals. NGOs particularly criticized the lack of a designated person of contact within cantonal police authorities. To address the problem, the Zurich-based Women's Information Center (FIZ) initiated working groups to improve cooperation between NGOs and cantonal justice and police authorities. In Zurich representatives of the police, the immigration office, the prosecutor's office, the Government's Equal Opportunity Office, and FIZ regularly convened to improve cooperation between the different parties to provide better assistance to victims of trafficking.

In 2000 FIZ submitted a petition to the Federal Council and both houses of Parliament calling for the establishment of a protection program for trafficking victims, which would end the automatic expulsion of women arrested for illegal prostitution and legalize their stay for the duration of investigations and trials. Most women normally were expelled within 96 hours. The program also would provide shelter, protection from intimidation, counseling centers, and sensitivity training for police. The petition also called for a change in the legal definition of trafficking to include not only women forced into prostitution but also women whose migration to the country for marriage or domestic work forced them into a state of dependency. Approximately 7,500 individuals, organizations, and parliamentarians signed the petition.

In general persons responsible for trafficking may not be prosecuted unless the victims are willing to testify. However, few victims were willing to testify because they feared retaliation or were concerned that they would be forced to leave the country because they were illegal immigrants. Cantonal authorities may grant a temporary

residency permit on a case-by-case basis to victims willing to assist in the investigations and to testify against their traffickers, but a legal framework providing this right has not yet been established. In cases of serious hardship, a federal ordinance allows cantonal police authorities to grant a residency permit to victims of sexual exploitation or forced labor, but NGOs contended that in reality this rarely happened.